

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

Kay Diane Ansley, Catherine “Cathy” McGaughey, Carol Ann Person, Thomas Roger Person, Kelley Penn, and Sonja Goodman,

Plaintiffs,

vs.

State of North Carolina,

Defendant,

Case No.: 1:15-cv-274

and

Phil Berger, President Pro Tempore of the North Carolina Senate, and Tim Moore, Speaker of the North Carolina House of Representatives, on behalf of the North Carolina General Assembly,

Proposed Defendant-  
Intervenors.

**PROPOSED DEFENDANT-INTERVENORS’ MOTION TO INTERVENE**

Proposed Defendant-Intervenors Phil Berger, President Pro Tempore of the North Carolina Senate, and Tim Moore, Speaker of the North Carolina House of Representatives, on behalf of the North Carolina General Assembly, respectfully move this Court for an order allowing them to intervene in this case pursuant to Fed. R. Civ. P. 24. Proposed Intervenors seek intervention of right as authorized under Rule 24(a)(2) or, in the alternative, permissive intervention as authorized under Rule 24(b)(1). Proposed Intervenors rely on the factual and legal grounds set forth in the accompanying brief.

Counsel for Proposed Intervenors contacted counsel for Plaintiffs on February 4, 2016, and learned that Plaintiffs do not consent to this Motion. Proposed Intervenors’ counsel also

contacted counsel for Defendant on February 4, 2016, but as of the time of this filing, have not received an answer as to Defendant's position on this Motion.

As required by Fed. R. Civ. P. 24(c), Proposed Intervenors have contemporaneously filed with this Motion a responsive pleading—namely, a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b). And as required by Fed. R. Civ. P. 24(c), Proposed Intervenors have electronically served this Motion on the parties through the Court's CM/ECF filing system.

Date: February 4, 2016

Respectfully submitted,

/s/ Robert D. Potter, Jr.

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*Attorneys for Proposed Defendant-Intervenors*

*\*Notice of Appearance to be filed*

## **CERTIFICATE OF SERVICE**

I hereby certify that on February 4, 2016, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

All participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

Date: February 4, 2016

/s/ Robert D. Potter, Jr.  
Robert D. Potter, Jr.